



Town of Bolton  
3045 Theodore Roosevelt Highway  
Bolton, VT 05676

**Bolton Development Review Board**  
**Meeting Minutes**  
**October 22, 2015**  
**Bolton Town Office**

DRB Members Present: Michael Rainville (Chair), Sharon Murray, John Devine, Charmaine Godin, Steve Diglio

DRB Members Absent: Margot Pender (Alternate), Rob Ricketson (Alternate)

Staff Present: Miron Malboeuf, Zoning Administrator, Sarah McShane, DRB Assistant

Others Present: Curt Hunter (applicant), Mike Hunter, Adam Miller, Jeff McDonald (abutter)

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**Posted Agenda:**

1. Public Comment
2. Public Hearing: 2015-07-CU: Curt Hunter, Request for Conditional Use Review: Enlarge a Nonconforming Structure within the Joiner Brook Riparian Setback at 428 Bolton Valley Access Road.
3. ZA Report
4. Meeting Minutes
5. Other Business
6. Meeting Adjournment

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**Call to Order**

Mr. Rainville, Chair, called the meeting to order at 6:35pm with a quorum present.

**1. Public Comment** -None

**2. Public Hearing: 2015-07-CU: Curt Hunter, Request for Conditional Use Review: Approval to enlarge a nonconforming structure within the Joiner Brook riparian setback at 428 Bolton Valley Access Road.**

Mr. Rainville opened the hearing and explained that the applicant is requesting approval to expand a nonconforming structure within the riparian setback closer to Joiner Brook. No ex parte communications or conflicts of interest were reported. The applicant provided an overview of the application. Mr. Malboeuf stated that he visited the site earlier in the day to take field measurements. He reported that the edge of the bank is rock lined and that it was approximately 52 feet from the edge of the existing steps to the top of the bank (Joiner Brook).

The applicant stated that the new deck will replace the existing deck. Board members and the applicant discussed whether or not the proposal impacts the riparian buffer or simply the setback. Ms. Murray noted that the setback is 100 feet from the top of Joiner Brook bank and the buffer is 50 feet. Members discussed the review requirements and noted that the project would need to be reviewed under the conditional use standards and the non-conforming

1 structure provisions. After lengthy discussion between the board and the applicant, it was  
2 agreed that the project would impact the setback but not the 50 foot buffer.

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4 The Applicant, Mr. Curt Hunter, stated that the existing deck is 4' wide and the proposed deck  
5 would be 5' wide. The Applicant provided testimony that the house and barn were constructed  
6 in approximately 1817. Members noted that since the structures were constructed prior to the  
7 town adopting zoning regulations both structure are legally nonconforming structures.

8 Mr. Hunter stated that the Winooski Restoration Committee has evaluated the riparian area on  
9 the property and is in the process of obtaining a grant to restore the sensitive area. There are  
10 existing restoration efforts to restore the vegetation in the area.

11 Mr. Diglio inquired about the design of the deck. Mr. Hunter stated that the proposed deck has  
12 been designed to help him access the dwelling in the event that he becomes immobile. Ms.  
13 Murray asked if the deck would be impervious. Mr. Hunter stated that the deck will have gaps  
14 in between that would allow drainage. Ms. Murray noted that if the deck was constructed to be  
15 impervious, it would not add to the existing lot coverage or total impervious surface.

16 Board members and the applicant discussed the location of the proposed deck in relation to  
17 existing structures. Mr. Diglio stated that the hardship hasn't been created by the applicant  
18 rather relates to the location of the existing structures and the stream. Ms. Murray noted that  
19 the applicant would be requesting a waiver from the riparian setback not a variance. Mr. Jeff  
20 McDonald, neighbor, stated that the applicant is going above and beyond with his current  
21 riparian restoration project and that he does not object to the applicant's proposal. He added  
22 that it would be a good addition to the existing property and that there is a medical need for  
23 the project. The Board discussed the appeal process and that interested parties that have  
24 participated in the hearing have the right to appeal to the State Environmental Court.

25 Mr. Devine made a motion, seconded by Ms. Godin to close the hearing at 7:05PM. The motion  
26 passed unanimously, 5-0. The board will issue a written decision within 45 days.

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### **3. Zoning Administrator's Report**

30 Mr. Malboeuf provided a zoning update on current projects. He stated that the 4 x 4 Center has  
31 not applied for a zoning permit to date. He also stated that he had recently issued a  
32 determination regarding a parcel on Gardiner Lane that in his determination, was not a  
33 buildable lot suited for residential development since the entire parcel was within the riparian  
34 setback. He told the board that it was his determination that there was no available land to  
35 construct a dwelling on the parcel. Mr. Malboeuf stated that the property owner appealed the  
36 determination and is requesting a hearing by the DRB. Members suggested that the property  
37 owner could request a variance in order to construct a house within the riparian setback and/or  
38 buffer. Ms. Murray noted that it is a pre-existing nonconforming lot with a stream running  
39 through the center of the parcel and in order to construct a structure it would likely need a side  
40 setback waiver and/or a waiver/variance from the riparian setback requirements.

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2 Mr. Malboeuf also stated that he had spoken with Mr. Fillmore and that Mr. Fillmore planned  
3 on participating via telephone during the January hearing.  
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5 **4. Meeting Minutes**  
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7 Members reviewed the minutes from August 27, 2015. Ms. Murray noted that she had met  
8 with Ms. Shelby to discuss the regulations pertaining to enlarging a nonconforming structure.  
9 Mr. Devine made a motion, seconded by Mr. Diglio to accept the minutes of August 27, 2015 as  
10 submitted. The motion passed unanimously, 5-0.

11 Members reviewed the minutes from September 24, 2015. Ms. Murray made a motion,  
12 seconded by Mr. Devine, to accept the minutes from September 24, 2015 as submitted. The  
13 motion passed unanimously, 4-0. [Mr. Diglio abstained from voting since he did not participate  
14 in the 9/24 meeting.]

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16 **5. Other Business**  
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18 Mr. Rainville noted that Adam Miller was in attendance and that he is interested in serving on  
19 the board. Mr. Miller stated that he would like to serve as an alternate. He also stated that he  
20 is an attorney and has been living in the disputed area of Bolton on the Huntington/Bolton  
21 town-line for roughly a year. Members welcomed Mr. Miller and suggested that he provide a  
22 written request to the Selectboard.  
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24 **8. Meeting Adjournment**  
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26 Mr. Diglio made a motion, seconded by Ms. Godin, to adjourn the meeting. Motion passed  
27 unanimously, 5-0. The meeting adjourned at 7:40 PM.  
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29 DRB members and staff met in deliberative session to discuss an outstanding decision.  
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31 The next DRB meeting will be held on December 10, 2015 at the Bolton Town Office at 6:30 PM.  
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33 Respectfully submitted,  
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35 Sarah McShane  
36 Bolton DRB Assistant  
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38 *\*\*These minutes are unofficial until formally accepted by the DRB.\*\**  
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40 These minutes were read and accepted by the Development Review Board on December 10,  
41 2015.

A handwritten signature in black ink that reads "Michael Rainville". The signature is written in a cursive style and is positioned above a horizontal line.

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Michael Rainville, DRB Chair